

### REMARKS

The Examiner's thorough Examination of this application is noted and appreciated.

Favorable reconsideration of this application in light of the above amendments and the following remarks is respectfully requested.

Claims 1-20 are pending in this application. No claims are amended herein. No claims have been allowed.

#### *Claim Rejections – 35 U.S.C. § 102*

Claims 1-4, 9-11 and 16 are rejected under 35 U.S.C. § 102(e) as being anticipated by Navratil et al. (U.S. Patent No. 6,777,964; hereinafter "Navratil").

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." MPEP 2131 (citing *Verdegaal Bros v. Union Oil of California* (citation omitted)).

Navratil at Fig. 7 and corresponding disclosure at col. 4, lines 11-37 teaches an optoelectronic test apparatus and method for use thereof related to applicant's electrical test apparatus and method. The optoelectronic test apparatus comprises a chuck 102 that holds an optoelectronic device under test 104 thereupon for testing. The optoelectronic test apparatus also comprises both electrical probes 110 and an optical probe 116 and for optoelectronically testing the optoelectronic device under test 104.

The Examiner reads Navratil onto the foregoing of applicant's claims and concludes that all limitations within those claims are taught within Navratil.

In response, applicant respectfully disagrees with the Examiner's reading of Navratil insofar as the Examiner concludes that all elements within applicant's independent claims 1, 9 and 16 are taught within Navratil. With respect to applicant's electrical test apparatus and method, applicant claims within each of claims 1, 9 and 16 "a movable electrical probe tip positioned with respect to [an] electrical test head such as to electrically stress a portion of [a] microelectronic product other than an electrical contact portion of the microelectronic product."

For comparison purposes, Navratil at col. 4, lines 11-15 teaches that "the present inventors determined that the traditional probe station [for testing an optoelectronic product] should be modified in some manner to facilitate at least partial independent movement or otherwise separation of the optical probes and the electrical probes [for testing the optoelectronic product]." Thus, Navratil's invention is clearly understood to be limited to a modification of a traditional optoelectronic product probe station such as to optimize an interaction between optical and electrical probing of an optoelectronic product. Navratil at the paragraph bridging cols. 3-4 teaches that the foregoing result is obtained by providing for z-axis movement of electrical probes, but not optical probes, within Navratil's optoelectronic test apparatus.

Nowhere within Navratil is applicant able to locate any substance of disclosure even remotely related to providing for an additional electrical probe tip within an electrical test apparatus such as to electrically stress bias portions of a microelectronic product other than an electrical contact portion of the microelectronic product. Thus, applicant asserts that each and every element within applicant's invention as disclosed and claimed within claims 1, 9 and 16 is not taught within Navratil. Clearly, the presence of an electrical probe tip for electrical stress biasing a portion of a microelectronic product other than an electrical contact portion of the microelectronic product is not a conventional feature of a test apparatus as evidenced by Navratil. Navratil does teach an optoelectronic test apparatus with both electrical probes and optical probes. However, the electrical probes within Navratil's electrical test apparatus are

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apparently present for conventional purposes of contacting electrical contacts within optoelectronic products as illustrated within Navratil's Figs. 3-5.

Thus, each and every element within applicant's invention as disclosed and claimed within claims 1, 9 and 16 is not taught within Navratil, in particular with respect to an electrical test apparatus having an electrical probe tip positioned to electrically stress bias a portion of a microelectronic product other than an electrical contact portion of the microelectronic product. Since the foregoing element comprises a limitation within applicant's claims 1, 9 and 16, applicant asserts that claims 1, claim 9 and claim 16 may not properly be rejected under 35 U.S.C. § 102(e) as being anticipated by Navratil.

Since all remaining claims within the foregoing rejections are dependent upon claim 1 or 9 and carry all of the limitations of claim 1 or 9, applicant additionally asserts that those remaining claims may also not properly be rejected under 35 U.S.C. § 102(e) as being anticipated by Navratil.

In light of the foregoing response, applicant respectfully requests that the Examiner's rejections of claims 1-4, 9-11 and 16 under 35 U.S.C. § 102(e) as being anticipated by Navratil be withdrawn.

***Claim Rejections - 35 U.S.C. § 103***

Claims 5, 12 and 17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Navratil.

Claims 5, 12 and 17 are directed towards a controller for controlling applicant's electrical test apparatus in accord with applicant's invention. In pertinent part, the controller provides for "control[ling] the electrical probe tip positioning and [electrical stress] biasing with

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respect to the portion of the microelectronic product other than the electrical contact portion of the microelectronic product.”

The Examiner predicates obviousness of claims 5, 12 and 17 upon the purpose of a controller within an electrical test apparatus for controlling and transmitting electrical test data.

In response, applicant predicates patentability of claims 5, 12 and 17 upon their dependence upon claims 1, 9 and 16.

In light of the foregoing response, applicant respectfully requests that the Examiner’s rejections of claims 5, 12 and 17 under 35 U.S.C. § 103(a) as being unpatentable over Navratil be withdrawn.

Claims 6-8, 13-15 and 18-20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Navratil in view of Kitahata (U.S. Patent No. 6,686,753).

The foregoing claims are directed towards a radiation beam source irradiation of a microelectronic product simultaneous with non-electrical contact region electrical stress biasing thereof.

The Examiner predicates suggestion or motivation for modification or combination of Navratil with Kitahata such as to provide for optical testing of a microelectronic product.

In response, applicant predicates patentability of the foregoing claims upon their dependence upon claims 1, 9 and 16.

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In light of the foregoing response, applicant respectfully requests that the Examiner's rejection of claims 6-8, 13-15 and 18-20 under 35 U.S.C. § 103(a) as being unpatentable over Navratil in view of Kitahata be withdrawn,

#### ***Other Considerations***

The Examiner has cited no additional prior art of record not employed in rejecting applicant's claims to applicant's invention. No fee is due as a result of this response.

#### **SUMMARY**

Applicant's invention as disclosed and claimed within claim 1, claim 9 and claim 16 is directed towards an electrical test apparatus and method. The apparatus and method employ an electrical stress biasing of a portion of a microelectronic product other than an electrical contact portion of the microelectronic product. Absent from the prior art of record employed in rejecting applicant's claims to applicant's invention is a teaching of each and every element within applicant's claimed invention.

#### **CONCLUSION**

On the basis of the above amendments and remarks, reconsideration of this application, and its early allowance, are respectfully requested.

Any inquiries relating to this or earlier communications pertaining to this application may be directed to the undersigned attorney at 248-540-4040.

Respectfully submitted,

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